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ABSTRACT

This handbook provides a step-by-step approach for school systems to guide them in dealing with some of the more complex issues where desegregation and the development of plans is concerned. The legal implications of desegregation and factors necessitating affirmative action are discussed. An outline is given for organizing a task force on desegregation, including such factors as assessing local needs, initiating action, developing detailed plans for implementing necessary changes, communication and cooperation within the community, and the utilization of resources within the community. The final section deals with developing strategies for school desegregation. Sound educational objectives are defined, and the role of parents is discussed, as well as the assignment of students to schools, the achievement of racial balance, and feasible remedies for existing inequities. A glossary of desegregation-related terms is appended. (JD)

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Desegregation and the Public School

SP 010 249

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DESEGREGATION AND THE PUBLIC SCHOOL

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INTRODUCTION

At no time in our history has the quest for equal educational opportunity and the corresponding achievement of human and civil rights been as crucial as it is today. Efforts to cope with the plethora of problems incidental to, and occasioned by, the quest for equal educational opportunity has resulted in an ever increasing number of desegregation suits being filed in federal courts across the face of the nation.

Most school desegregation suits have been built upon the *equal protection of the laws* clause of the 14th Amendment of the United States Constitution which declares:

> *"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person in its jurisdiction the equal protection of the laws."*

Although Congress has the authority to implement applicable laws to cover this portion of the 14th Amendment, the responsibility of enforcement has fallen to the federal courts, who in rendering decisions on desegregation involving the question of *equal protection of the laws*, have maintained the assurance that 14th Amendment rights of individuals and/or specific *classes* guaranteed by the United States Constitution will be provided.

It was upon this legal basis that state legislated dual school districts (separate schools for black children and for white children) upheld by the 1896 United States Supreme Court decision *Plessy v. Ferguson* was overturned by the United States Supreme Court's 1954 landmark decision, *Brown v. Board of Education of Topeka, Kansas*. In that case, the United States Supreme Court stated:

> *" . . . in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."*

From May, 1954 to the present, the federal courts have been the scene of long and costly desegregation cases which have focused upon the *equal protection of the laws* clause of the Constitution as well as the appropriate remedy/remedies, needed to bring a school district into compliance with the law when such laws have been violated.

Ohio law abolished segregated public schools in February, 1887 and was upheld by the Supreme Court of Ohio in 1888. The Court, in that decision declared:

> *" . . . separate schools for colored children have been abolished and no regulation can be made . . . that does not apply to all children irrespective of race or color."*

Consistent with these decisions from the highest courts at both the federal and state level, the quest for equal educational opportunities and the corresponding need to address and eliminate the subtle nuances of discrimination in education has continued to be a priority of the Ohio Education Association.

In 1914, the Ohio Education Association, then known as the Ohio State Teachers Association took this position:

> *". . . there should be no discrimination in the conditions under which boys and girls respectively are granted age and schooling certificates . . ."*

The Ohio Education Association reaffirmed that commitment in 1973 when it adopted a desegregation/affirmative action policy that stated its belief in a quality integrated educational program which would prepare students for life and for work in a pluralistic society. Concurrent with this policy, the Ohio Education Association, in recognition of the many factors that must be taken into consideration when attempting to realize the goals of equal educational opportunity, identified the following factors present in most school districts which necessitate affirmative action on the part of school districts in Ohio:

- The school as a microcosm of society includes racist, sexist, and elitist factions which resist any kind of change which might effect the status quo of those in power.

- Racial and ethnic divisions within our society have translated themselves into institutions which systematically deny equal opportunities to minority persons.

- The absence of clear-cut rulings from the Supreme Court of the United States since the 1954, *Brown v. Board of Education* has often permitted the practice of resegregation and/or subtle forms of segregation to go unchecked.

- Non-compliance by various bodies with Executive orders, Federal, and state statutes governing equal opportunity in employment and education, defeat attempts to affect remedies to correct past discrimination.

- The contribution of minority groups to the American way of life is conspicuously absent in the curricula of many school communities resulting in the kind of cultural or racial isolation that restricts the opportunities of minorities for living and working with members of the majority.

- Some teacher training institutions of higher education have failed to design courses for preparing white students to teach minority children in the urban setting or to develop inservice/staff development programs for those educators who, as the result of court ordered desegregation, must now move into desegregated teaching/learning environments.

- As a result of the aforementioned, human and civil rights guaranteed by the 14th Amendment of the United States continue to be the subject of court litigation.

The Ohio Education Association, in being committed to productive integration as a means of equalizing educational opportunities in Ohio, has established a variety of affirmative action programs to meet that goal. Such action programs have been designed to actively encourage and assist OEA membership and OEA affiliates in the participation of the establishment of effective processes which will permit the fair and impartial consideration of the interests and involvement of the total school community, students, parents, teachers, and administrators, and other interested or concerned publics.

The implementation of the Association's program and its participation in it are guided by these principles:

- Decision-making as it leads to quality integrated education shall be predicated upon what is best for students and education.

- Representatives from local or regional education associations shall be involved in developing initial desegregation/integration plans affecting their membership.

- The OEA and its involved affiliates shall provide input, including the right to present evidence, into any legally constituted conciliation service or suit involving desegregation/integration plans affecting their membership.

- An effective and ongoing human relations inservice program designed to promote mutual understanding and recognition of ethno/cultural differences shall be instituted in every school setting prior to the implementation of any desegregation/integration plan affecting faculty and students.

- The OEA will actively seek private and public funds to augment the financing of its program and participation.

- Diversity of processes and programs will be encouraged in order to meet the needs of the local situation. OEA's participation, however, shall continue in each situation to be guided by the aforementioned principles established in its policy on desegregation/affirmative action.

- Effective processes and programs for quality integrated education shall not be limited by adherence to artificial school district boundaries of other political jurisdictions.

Recognizing that a program on paper is of little value without personnel to implement it, the Ohio Education Association has had one or more full time persons on the staff to provide technical assistance and consultive services in the area of school desegregation. It is with this in mind that the following objectives of the OEA Desegregation/Affirmative Action Program are presented:

1. To provide technical assistance to affiliated local school staffs responsible for preparing and implementing school desegregation plans.

2. To review with affiliated local school district authorities the present status of their desegregation programs and to assist them in preliminary efforts to clear the way for next steps in preparing plans.

3. To assist affiliated local school districts in seeking funds from foundations and the Office of Education and related agencies in preparing proposals that assist in the preparation, adoption, or implementation of school desegregation plans.

4. To make available to affiliated local school systems information regarding effective methods of coping with special educational problems occasioned by desegregation.

Consistent with these objectives, this booklet has been developed as a means of providing a step-by-step approach for local affiliates to deal with some of the more complex issues where desegregation and the development of plans is concerned. Since it must be recognized that change is not always welcomed, strategies and techniques must be fashioned to deal with a multiplicity of situations for which few, if any, solutions are readily available .

What is contained on the following pages must be utilized only as suggestions and not as specifications for a program that is "etched" in stone. . . PEACE!

ORGANIZING A TASK FORCE ON DESEGREGATION

Research has shown that the most effective, meaningful, and lasting changes occur when individuals and groups understand the need for change and have some involvement in that change process. To insure such involvement (and have their greatest impact), school systems must begin at the grass-roots level to design and to implement those approaches which voluntarily will correct past inequities in school policies, administrative practices, and/or the total educational program.

"But where do we begin?" In response to that frequently asked question, we will set forth a basic outline of the steps that one might take. This, of course, varies from system to system as school districts have many different structures and organizational procedures and are at different levels of program development so be certain to expand or modify this outline to make it relevant to your local school district.

STEP ONE: INITIATION OF ACTION

First, the local school district should adopt a policy affirming its position in favor of quality integrated education. As an ancilliary part of such a policy, the school district might wish to create a task force charged with the responsibility for developing a pro-active thrust to provide for equal educational opportunities for all children irrespective of race, sex, or social class. Such a task force working within the charges of this kind of policy can provide a beginning structure by and through which the school district might initiate corrective action.

STEP TWO: ASSESSMENT OF NEEDS

Before the task force can get underway there needs to be some assessment of the needs of the school district relative to this newly developed policy. There are questions that the school district will need to look at. What kinds of data are most valuable and provide proof that change is in order? How far back into the past must one go in order to justify a need for change? Who will have the responsibility for obtaining, analyzing, and reporting out the data? To whom will the data be presented and in what form? One must think about the alternatives and consider such options well before making a choice.

STEP THREE: DEVELOPMENT OF RATIONALE

This can be one of the most crucial stages in the entire pro-active thrust of a local school district desirous of effectuating change. This is the stage that necessarily flows from an interpretation of data collected and moves to show the justification for indicated change. Many voluntary plans succumb to an inertia fostered through an inability of people to see the distinction between, 1.) a rationale for an affirmative action/desegregation plan, and 2.) the detailed plan itself, or the comprehensive development of such a rationale.

STEP FOUR: PRESENTATION OF RATIONALE

Since one of the major charges given to the task force was the development of a pro-active thrust to provide for equal educational opportunities for all children irrespective of race, sex, or social class, such a rationale should include:

GOALS: Working from the charge given by the board of education and/or the superintendent, the task force should formulate goal statements, setting forth in broad yet achievable terms the things it would like to see accomplished within a one-to-three year period. (This generally conforms with EEOC Guidelines relative to goals and timetables.)

OBJECTIVES: The task force should determine specific objectives based on its goals. Objectives cover a shorter time span and offer more specific direction. They indicate in general terms the kinds of things the task force will be doing to achieve its goal.

ACTIVITIES: Task force members should next plan specific activities that they and others on the task force and/or community will recommend in order to carry out the achievement of the objectives. What will be done by whom? When will action take place? How long will it take? What resources are needed?

COMMUNICATION OR FEEDBACK: In formulating a rationale, it is critical to keep in two-way communication with both the board of education/superintendent and other interested publics within the school-community. Such a level of involvement will enhance the predictability of success when guidelines relative to the plan itself are formulated.

With the aforementioned in mind, the task force can now present the recommended rationale to the board of education/superintendent for their consideration.

STEP FIVE: DEVELOPMENT OF DETAILED PLAN

At this particular point in the stage of plan development, the responsibility for development of a comprehensive plan might rest with the board of education, central administration, the superintendent, or it might be referred back to the task force so that they may proceed to develop the details. It should be noted that many individuals involved in the development of a comprehensive or detailed plan become very frustrated because they have anticipated acceptance of their rationale by officials in authority to grant same, when such has not been forthcoming. They overlook the fact that one needs to get some feeling from that board of education as to what they will buy as a rationale. Much frustration can be alleviated if one gets some commitment first on what the board or the superintendent can live with before starting to develop a detailed plan. As part and parcel of that plan one might want to address the issue of racial balance of both students and staff; one might wish to include revision of the curricular program to allow for bilingual/multicultural additions; or one might wish to reorder the manner in which the educational facilities are used.

STEP SIX: ACCEPTANCE OF PLAN AND/OR RECOMMENDATIONS

With the plan thus detailed, the stage at which it is to be presented for final approval has been reached. One should not plan to take a detailed affirmative action/desegregation plan with concurrent recommendations to the superintendent and/or members of the school board and expect action to be taken by them immediately upon receipt of the plan and recommendations. It may be necessary for the superintendent or board of educaton to have answers to various questions about the plan available before subsequent action is taken by them. If working in an ad hoc relationship with the superintendent, it will be necessary to give her/him an adequate amount of time to carefully digest the document in question. While task forces tend to exhibit pride of ownership in documents which they have cooperatively developed, it should be remembered that such documents exist solely at the pleasure of the superintendent and/or a board of education and may be accepted in part, in its entirety, or not at all. One of the recommendations made by the task force should include a request by the task force for a study session with the superintendent/board of education for the express purpose of answering any questions that might arise. Since to be armed is to be forewarned, members of the task force might have present some key staff persons as well as key people from the community who can address the specifics when requested to do so.

STEP SEVEN: IMPLEMENTATION OF PLAN

If all goes well this stage will provide the opportunity to move ahead with the implementation of the plan. Such a task is neither simple nor easy and will involve a coalitive effort on the part of all concerned to perform those basic maintenance functions that will sustain its members and keep them working together. These include:

COMMUNICATION: Ongoing communication is needed on many levels: (a) among task force members; (b) between task force members and the board of education; (c)between the task force and the professional staff; (d) between the task force and other interested publics within the school-community; (e) between the task force and the superintendent who originated the charge for developing a proactive thrust that would insure equal educational opportunities within the school district.

COOPERATION: The task force must assist the superintendent/board of education and other interested publics in establishing an open atmosphere where opinions and concerns are freely and frequently discussed and where renegotiation of the original objectives or details of the plan can take place. The success or failure of this endeavor can be determined at this stage.

RESOURCE UTILIZATION: Certain groups of individuals, previously identified, should be available to identify resources within the school-community by (a) seeking out members of the school-community with specific talents in art, writing, speaking, etc. who are not currently involved in this implementation stage; (b) involving students in resource planning and activities; and (c) cosponsoring activities with other community groups.

EVALUATION: The task force must continually evaluate its work (both formally and informally) in concert with the charge given it by the board of education/superintendent if it is to improve the outcomes of its actions and make future planning more effective. Since program development is most often a cyclical and ongoing process; evaluation must be too. By documenting efforts, seeking opinions and reactions from others, and testing to see how activities were carried out, the task force will improve the quality of decisions made and help insure successes.

STEP EIGHT: REVISION OF PLAN

Having established a mechanism for the periodic evaluation of the plan as implemented, we now arrive at the final stage in the cyclical process: revision. It is altogether fitting and proper that an admonition be given lest we envision a plan that is perfect as designed. Revision is always in order.

As movement proceeds from stage to stage, one must consider all available alternatives and how each one may be accomplished -- in terms of people, presentations, preparation of data -- within given parameters of time and human resources. The sooner potential problems are identified and strategies designed for dealing with them, the better the transition will be from stage to stage.

DEVELOPING STRATEGIES FOR SCHOOL DESEGREGATION

Extensive study of desegregation plans for other school districts reveals a wide variety of alternatives, strategies, and methodologies which have been approved for implementation by judicial action. In selecting an appropriate rationale for change, the key questions which apparently must be answered affirmatively if the legal duty is to be fulfilled are:

1. Does the plan promise realistically to work now?
2. Does the plan promise realistically to convert promptly to a system without "white" and "black" schools, but just schools?
3. Will those conditions which are offensive to the Constitution and in violation of the Equal Protection Clause be remedied through implementation of the plan?
4. Is the plan consistent with others which have been upheld as satisfactory at the highest levels of judicial review?
5. Will racial discrimination be eliminated "root and branch" from the school system through implementation of the plan?

Although most plans are constructed on a "legal skeleton," its content should be designed to accomplish sound educational objectives. From that perspective, such plans are also predicated on the following observations:

1. That many of a child's most important lessons are learned very early in life, especially those affective learnings that shape values, attitudes, appreciations, interests, and aspirations;

2. The students in the local school district are living and learning in a community that currently is characterized by social and geographical insulation and isolation which results in a form of cultural conditioning that impedes and restricts inter-racial understanding, appreciation, and cooperation;

3. From an educational perspective, children isolated and insulated racially in schools cannot learn the most essential lessons needed for effective participation in a democratic society;

4. That as educational and occupational opportunities are expanded for persons who previously have been economically restricted, the more important goal of open housing will be accomplished. (Unless that happens, both black and white neighborhoods are apt to become "embalmed ghettoes;").

5. That the occupational, political, social, and higher educational world to which young people will graduate will be one in which interracial experiences are commonplace and ordinary;

6. That the problems inherent in racial isolation and insulation cannot be solved unless an appreciable proportion of minority children are involved whether they be black in previously predominantly white schools or white in previously predominately black schools;

7. That in order for any immediate steps to be successful, commitment to the final goal of ending racial isolation and insulation is essential; and

8. That if the school's task of preparing young people appropriately for adulthood is to be achieved in the school district, racial isolation and insulation in the public schools must be eliminated.

In developing any plan/rationale, school desegregation/affirmative action plans from other school districts throughout the nation should be reviewed. As indicated previously, plans vary greatly -- in rationale, in content, in methodology, and in projected outcomes. The central thrust of most plans will be pupil assignment, or strategies for accomplishing some measure of racial mix in school buildings. Faculty and other staff assignments should be included in these plans.

Three key elements missing in most desegregation/affirmative action plans are as follows: First, assignment within buildings is commonly left to chance. A result often is racially segregated classes in what purports to be desegregated schools; second, other desegregation plans do not include a support system for guaranteeing success beyond simple mixing of bodies. And third, plans by and large have not locked in a monitoring system that could detect problems or failures early enough to prevent their ill consequences. The presence of these elements is essential to success.

To the extent that the educational priorities designed into a plan may go beyond the minimums ordered by Courts, and in order that anyone who may be affected by such a plan can clearly understand the intent of the plan, the following rationale for student assignment may be presented, and the following criteria can be employed for determining student assignments.

1. Contiguity. To the extent that desegregation of the schools can be accomplished thereby, pupils by family units can be assigned to school buildings serving their grade levels within walking distance of their residences, as determined by state laws regarding such transportation. In certain instances, this may mean that all of the pupils assigned to a given school building can come from the contiguous area. For purposes of desegregation, the determining demographic factor will be the lower parameter of fifteen percent black student population as ordered by most Court decisions, and/or the upper parameter of fifty percent black student population as recommended for approval by many task force or ad hoc committees. Any variations from those norms, either for contiguous or noncontiguous assignment, should only be permitted by approval of the Board of Education and/or the Superintendent.

This strategy is considered by many demographic specialists and by the Supreme Court to be an ordinary method of assigning students that results from what can be common residential patterns in the future. In order to maximize usage of this strategy, ungerrymandering may be necessary. Realignment may involve more than one currently existing attendance area. Where two or more contiguous zones can be emerged into creation of a larger "neighborhood," grade structures may be altered to accommodate the change. At this stage of planning, every effort should be made to desegregate as many individual schools as possible without instituting additional transportational services to noncontiguous areas.

Since the United States Supreme Court has unanimously ordered (in several decisions) that "...desegregation plans cannot be limited to the walk-in school ...", desegregation in many school districts has been accomplished simply by contiguous assignments. Once the maximum potential of this ordinary method has been exhausted, a plan, in order to be in compliance with the Supreme Court's decisions in related cases, of necessity must incorporate extra-ordinary strategies -- initially -- in order to correct past and current violations of the Equal Protection Clause of the Constitution.

2. Noncontiguity. If the racial background of one's neighbors is assumed to be a realistic criterion for defining racial isolation, most persons in our metropolitan areas are racially isolated. In order that such isolation not characterize the educational opportunities afforded young persons in the school district and in order that schools can be desegregated, some noncontiguous assignments are necessary. The Supreme Court has ruled, "We hold that the pairing and grouping of noncontiguous school zones is a permissable tool ..."

In those geographical areas where ordinary strategies (i.e., contiguous assignments for all students) fail to rectify violative conditions a plan might project the following to the maximum extent possible by utilizing a block assignment process:

1. Students who are in the racial minority for the geographical area currently being served by the nearest school should be assigned to the school nearest their residences and appropriate grade levels (whether the minority be black or white);

2. Whatever number of minority students necessary to increase the racial proportion of the school's student population to fit the prescribed parameters of black to white should be assigned from a noncontiguous area. Primary criteria for such selection might be: (1) safety; (2) distance; (3) time; and (4) topographical conditions. (Example: a distance of three miles may require more time to travel and be less safe because of deteriorated streets, sidewalks, or natural or artificial barriers than an alternate distance of five miles with better pavement and fewer traffic or hazards). Physical safety for children must be deemed to be the more important of these criteria.

3. Majority children who remain assigned to a given school should be the ones whose residences are most nearly contiguous to those of the minority families in the geographical areas.

4. In extreme cases of residential racial imbalance, children residing within a block assigned to a distant building may be granted transfers to the nearest building if the transfer aids in correction of racial imbalance in the school.

The foregoing strategies, of course, are applicable in their widest measure to geographical areas which have some degree of integrated residential patterns. In some such instances, grade structures may not need to be altered.

In those other instances where school buildings are located in almost exclusively black or white residential areas, grade restructuring may be occasioned by pairing or grouping schools.

It would appear that such systems of extraordinary student assignment deliberately rewards those families who choose not to raise their children in neighborhoods characterized by racial isolation and insulation. It also strongly encourages movement into, rather than out of, racially mixed residential areas, thus putting a halt to the "white flight" phenomenon.

3. Residential changes. One of the major problems faced by urban school systems is occasioned by residential changes. A flaw in many of the arguments commonly presented by proponents of "neighborhood schools" is the rather simple fact that each year about 20 per cent of all American families move. As a general rule, minority children and poor children seldom experience the continuity in their educational careers enjoyed by more affluent majority children. As children move in and out of schools, the educational programs are interrupted -- sometimes almost to the brink of chaos.

A plan might be designed to the following criteria for reassignment of students occasioned by residential change:

1. When a family moves into a particular geographic sub-division of the school district from outside the district after the school year begins, their children will be assigned by grade level to that school attended by children on their residential block unless (A) that school's student racial proportion already is at either the lower or upper parameter previously defined in this document or (B) special classes or programs are needed which are not available at the school. If the first condition holds, the students should be assigned to the school most easily accessible where no greater racial imbalance occurs as a result. If the second condition applies, the students should be assigned to the most easily accessible school that provides the needed services where no greater racial imbalance would result.

2. When a family changes residence from one attendance area to another within the geographic boundaries of the school district during the school year, the following criteria will guide any changes in assignment of the family's children to schools:

   a). Parents will be encouraged to have their children complete the academic year in the school previously attended.

   b). If the parents request reassignment for their children, the request might be honored by assigning the children to the school attended by other youngsters on the residential block provided that the proportion of black to white children in the school is not changed beyond the system wide parameters.

   c). If the school population is already at either the upper of lower parameter, reassignment might be made to the closest school meeting the ratio criteria.

4. Classroom assignments. In each school, randomized assignments could result in each class approximating the same proportion of black to white as characterizes the entire school student population. Experience suggests that such has not always occurred in racially mixed schools. A plan could call for at least one-tenth but no more than one-half of the students assigned to any given class to be black.

5. Annual review. Monitoring procedures are necessary in any system where a plan has been implemented so that the central administration of the school system will be responsible for ascertaining that future changes in assignments will be ordered by the Court for the purpose of maintaining a particular racial balance. At the beginning of each successive school year, student enrollments and assignments should be reviewed. In the Swann decision, the United States Supreme Court stated: "It does not follow that the communities . . . will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. This does not mean that federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary."

Although some of the extraordinary strategies which may be necessary to initiate desegregation of schools are judicially clarified and approved in Charlotte-Mecklenburg's plan and the Swann decision, the end result of school desegregation was only inferentially given. Hopefully, the end result described in any plan subject to implementation will not only be judicially approved, but by its inclusion will serve as a guideline for future review and possible revision. (We should be reminded that this is an educational plan which many experts contend need not be restricted to nor constrained by judicial minimums).

If the annual review of student enrollments and assignments reveals that the intent of a plan is being thwarted, whatever changes in either attendance zones or student assignments are needed for correction to be made to assure that parameters stated in any plan shall not be exceeded except as they may be Constitutionally allowable under Swann.

However, elimination of extraordinary measures, with proper judicial approval, is not only permitted but also is encouraged as an integral concept in this plan. The basic guideline for revision shall be as follows: Since extrodinary means are deemed acceptable only until ordinary means can once again be utilized, revision will be permitted at any appropriate time toward that end. For example, if (1) two noncontiguous schools are paired and students are assigned to a nonwalk-in school, and (2) demographic shifts in either or both areas occur which would render the noncontiguous pairing unnecessary, then (3) the plan could be revised to curtail or to eliminate the pairing.

It has been suggested earlier, in this discussion, that any plan for educational change that involves extraordinary means and strategies should define a feasible end result. In general, a plan should be developed on the concept that extraordinary means/remedies must continue to be utilized until the day comes when ordinary means can be completely and totally utilized. The end result, to which we must look, is that future date when, because of changes in residential patterns, each child will attend the appropriate school nearest his or her home -- with integrated staff and student populations.

6. Transportational services. Some school districts operating within their state statutes are investigating the use of publicly financed transportational services for school children when certain conditions prevail. Distance from residence to school building is the most prominent of those conditions. Good sense and safety statistics indicate that public transportation is more realiable, safer, far more economical, and less congestive to other traffic than are privately owned vehicles.

7. Closing of buildings. Local school districts throughout the nation have changed their ordinary ways of doing things in order to provide remedial and corrective measures for violative conditions which have continued to exist. As a result, antiquated, obsolete, and inadequate school buildings have either been closed or converted to new uses as part of the overall strategy; all too often, however, only the all-Black schools have been discarded. Black Americans historically have been denied membership and participation in many civic, social, cultural, religious, and economic organizations, agencies, and institutions which are freely accessible to white Americans -- conditioned by socio-economics and friendship patterns. Consequently, racially segregated churches, fraternities, social clubs, and schools, have developed, in many instances, as important components in the life of the Black school-community.

Many federal court orders have called for the closure of obsolete schools in the black community as a part of desegregation plans. As an educational premise, the contemplation of such closing should be equated with the possibility of also closing formerly all white schools which one might demographically conclude were constructed only to serve white students. Such considerations were plainly spelled out in the Swann decision which was rendered in 1971.

GLOSSARY

Affirmative Action:

Efforts to restore or obtain parity in assignment or employment of faculty.

Bicultural Education:

The combined teaching of two cultures in the same setting.

Bilingual Education:

Language instruction or experience involving utilization of two languages, usually English and one other, most often Spanish, with pupils developing fluency in both.

Brown v. Board of Education in Topeka, et.al:

The 1954 Supreme Court decision which ended the "separate but equal" doctrine and led to the elimination of the dual, segregated school system.

Busing:

The transportation of pupils from one school area to another in order to achieve desegregation or to bring about improved racial balance among schools. (Much misinformation exists on this topic. With over 40% of students in the United States taking the bus to school every day, less than 3% of new desegregation plans require more busing than existed prior to desegregation.)

Civil Rights Commission:

The United States Civil Rights Commission, which monitors and issues reports on discrimination and segregation in American society.

Civil Rights Division:

The Civil Rights Division of the Department of Justice, which has responsibility for legal prosecution of individuals or school districts in violation of federal civil rights law.

Community Relations Service (CRS):

The Community Relations Service of the Department of Justice, established under the Civil Rights Act of 1964 and which has responsibility for providing assistance in alleviating community conflict and for resolving crisis situations, including school conflict.

Compensatory Education:

Efforts to upgrade education and learning opportunities for students over and above regular programs in order to make up for past deficiencies or discrimination.

Cross-cultural Education:

Education crossing the boundaries of two or more cultures, teaching the values of one culture or racial/ethnic group to students belonging to another group.

Crossover Teacher:

A teacher assigned from one school to another with different racial or ethnic characteristics.

De Facto Segregation:

Separation of students or faculty by race or ethnic group on the basis of past practices (housing segregation, for example) which are not directly the result of official practices or policies.

De Jure Segregation:

Separation of students or faculty by race or ethnic group, by school or by classes within schools on the basis of official legal practice or policy of governmental bodies or boards of education.

Desegregation:

The elimination of the vestiges of segregation, usually involving the practice of reassigning students or faculty or reorganizing classes or schools so that prior racial identification has been removed.

Discipline:

Control of students through enforcement of prescribed rules of behavior, often a concern of teachers prior to desegregation.

Displacement:

The elimination of minority teachers, principals, coaches band and music directors, counselors, and other personnel following desegregation either through dismissal, demotion, or reassignment or through failure to hire new minority teachers to replace those leaving because of displacement or normal attrition.

Dropouts:

Students who leave school before graduation because of voluntary decision.

Emergency School Aid Act (ESAA):

The Emergency School Aid Act, adopted in 1972, which provides federal funds to local school districts and non-profit organizations, including teacher associations, for programs in support of desegregation plans, and which is the only federal legislation requiring teacher participation in district advisory committees.

Equal Employment Opportunities Commission (EEOC):

The Equal Employment Opportunities Commission, which has administrative responsibility for actions removing employment discrimination, including discrimination against teachers, and for negotiating affirmative action employment plans with school districts and other employers.

Ethnic:

Having to do with the national origin and cultural characteristics of an individual or group.

Gross v. Lopez:

The January 22, 1975, Supreme Court decision which declared education a "liberty and property right" of young people for the first time and which broadly expanded the constitutional and statutory protections available to young people attending public schools, most notably in providing due process in cases of suspension and expulsion.

Integration:

Affirmative efforts to make school facilities and learning opportunities available on an equal basis, through the process of desegregation and action to eliminate discrimination as well as through programs to upgrade curriculum and inservice education to ensure that schools respond to needs of both minority and non-minority students.

Involuntary Transfer:

The arbitrary transfer of a teacher from one school to another for desegregation purposes.

Melting Pot:

The outdated concept that the United States has one single great culture which gradually absorbs immigrants and minority groups into a single common set of values and beliefs.

Metropolitan Desegregation:

The practice of desegregating schools across district lines in urban areas, often through consolidation of city and suburban districts.

Multicultural Education:

Education blending or recognizing many different cultures, education preparing children for understanding and participating in several cultural groupings.

Office of Civil Rights (OCR):

The Office of Civil Rights of the United States Department of Health, Education, and Welfare, which has primary responsibility for the administration of civil rights law in education, including discrimination against students or teachers by race, ethnic origin, or sex, desegregation of schools and higher education

institutions, and receipt of complaints, using either and administrative process leading to cutoff of federal funds from violating school districts of referral to the Justice Department for prosecution.

Pairing:

The practice of combining attendance areas of two or more schools to facilitate desegregation.

Pluralism:

The concept that the United States is composed of many groups with unique cultural values and contributions, each of importance to the welfare of the whole society.

Pushouts:

Students who leave school before graduation because of overt actions by school authorities, including suspensions, expulsions, or other disciplinary measures, or because of the failure of the school as an institution to meet their personal or educational needs.

Racial:

Having to do with the racial and cultural characteristics of an individual or group.

Reassignment:

Changing a teacher's class responsibilities within a school to achieve desegregation within faculties, usually from one subject or grade to another.

Resegregation:

The return of previously desegregated schools to segretated conditions, often through changes in housing patterns, white flight, or retrenchment by school officials.

Testing:

The application of standardized tests for the purpose of making decisions about students, usually inappropriate for minority and poor students and for students with language differences.

Title I:

Title I of the Elementary and Secondary Education Act (ESEA) of 1965, which provides up to $1.8 billion annually for compensatory education programs in public schools.

Title IV:

Title IV of the Civil Rights Act of 1964, which authorizes the United States Office of Education to provide technical and finanaial assistance to desegregating school districts, including support for inservice education programs.

Title VI:

Title VI of the Civil Rights Act of 1964, which prohibits the exclusion of and discrimination against persons in federally assisted programs and activities on the basis of race or national origin, provides the basis for federal action by HEW-OCR against educational discrimination and segregation.

Title IX:

Title IX of the Education Amendments of 1972, which prohibits the exclusion of or discrimination against persons in federally assisted programs on the basis of sex.

Tracking and Grouping:

The assignment of students to special classes or curriculum sequences, usually on the basis of test scores, and often resulting in some level of resegregation of students and differentiation of learning opportunities (By 1972, over half of newly desegregated schools had instituted testing and tracking programs for the first time.)

Transfer:

The assignment of a teacher or teachers from one school to another for the purpose of obtaining improved racial balance on school faculties.

Voluntary Transfer:

The transfer of a teacher from one school to another where the teacher has had the opportunity to express a perference for the change.

White Flight:

The loss of white students or faculty following desegregation of schools through the relocation of white families to suburban schools or through transfer to private segregated schools.

Wood v. Strickland:

The February 25, 1975, Supreme Court decision which extended Gross v. Lopez, ruling that in the context of school discipline, school officials or school board members may be sued by students for money damages if they knew or reasonably should have known that their actions would violate the constructional rights of the students.